

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

**PRECISION CPAP, INC.; MEDICAL
PLACE, INC.; PHASE III VANS, INC.,
d/b/a EAST MEDICAL EQUIPMENT
AND SUPPLY; and MED-EX,**

Plaintiffs,

vs.

**JACKSON HOSPITAL; MED-SOUTH,
INC.; JMS HEALTH SERVICES, L.L.C.,
d/b/a JACKSON MED-SOUTH HOME
HEALTH, L.L.C.; BAPTIST HEALTH, INC.;
AMERICAN HOME PATIENT, INC.;
BAPTIST VENTURES-AMERICAN
HOME PATIENT,**

Defendants.

**Civil Action No.
2:05-CV-1096-MHT-DRB
Judge Thompson
Magistrate Boyd**

MOTION FOR ADMISSION *PRO HAC VICE*

Come now, Defendants, American Home Patient, Inc., Baptist Health, Inc. and Baptist Ventures-American Home Patient, pursuant to Local Rule 83.1, Middle District of Alabama, move for entry of an Order permitting J. David McDowell, to appear on behalf of these Defendants as co-counsel *pro hac vice* and as grounds state as follows:

1. J. David McDowell, is an associate in the Nashville, Tennessee, office of the law firm of Harwell Howard Hyne Gabbert & Manner, P.C., 315 Deaderick Street, Suite 1800, Nashville, Tennessee, 37238, 615-256-0500. He is an active member in good standing of the State Bar of Tennessee, Tennessee Bar No. 24588. A certificate of good standing is attached hereto as Exhibit A.

2. J. David McDowell has not been disciplined in any manner in any jurisdiction. In addition, J. David McDowell has no disciplinary proceedings pending in any jurisdiction.

3. Glenn B. Rose, a partner in the Nashville, Tennessee, office of the law firm of Harwell Howard Hyne Gabbert & Manner, P.C., 315 Deaderick Street, Suite 1800, Nashville, Tennessee, 37238, 615-256-0500 has previously been granted admission to appear *pro hac vice* in this matter.

WHEREFORE, the premises considered, Defendants, American Home Patient, Inc., and Baptist Health, Inc. and Baptist Ventures-American Home Patient respectfully request that J. David McDowell be permitted to appear *pro hac vice* on their behalf in this action and that an Order be entered to that effect.

Dated: August 23, 2006

Respectfully submitted,

HARWELL HOWARD HYNE
GABBERT & MANNER, P.C.

By: s/ Glenn B. Rose
Glenn B. Rose
315 Deaderick Street, Suite 1800
Nashville, Tennessee 37238
Telephone: 615-256-0500
Facsimile: 615-251-1058
Email: gbr@h3gm.com

and

James E. Williams, Esq., ASB-9283-W84J
Melton, Espy & Williams, PC
301 Adams Avenue
Montgomery, AL 36104
Telephone: 334-263-6621
Facsimile: 334-269-9515
Email: jwilliams@mewlegal.com
Attorneys for Baptist Health, Inc., American Home Patient, Inc. and Baptist Ventures-American Home Patient

CERTIFICATE OF SERVICE

I hereby certify that on this the 23rd day of August, 2006, a true copy of the foregoing was sent via electronic dissemination by the ECF filing system or by facsimile to the following persons:

Gregory S. Ritchey, Esq.
Ritchey & Ritchey, P.A.
P.O. Drawer 590069
Birmingham, AL 35259-0069
Facsimile: (205) 271-3111

Brian M. Clark
Wiggins, Childs, Quinn & Pantazis
The Kress Building
301 19th Street North
Birmingham, AL 35203
Facsimile: (205) 254-1500
Email: bclark@wcqp.com

Dwayne L. Brown, Esq.
5926 Carmichael Road, Suite C
Montgomery, AL 36123-0205
Facsimile: (334) 277-3613
Email: dbrown@dbrownatty.com

Mike Carlson / ASB-5825-A62W
William Carlson & Associates, P.C.
Post Office Box 660955
Birmingham, AL 35266
Telephone: (205) 823-1842
Facsimile: (205) 823-8242
Email: wtcipilot@bellsouth.net

Dennis R. Bailey / ASB-4845-I71D
Rushton, Stakely, Johnston & Garrett, P.A.
184 Commerce Street
Montgomery, AL 36104
Telephone: (334) 206-3100
Facsimile: (334) 262-6277
Email: drb@rsjg.com

s/ Glenn B. Rose
Glenn B. Rose